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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------|
| 10/636,056 | 08/07/2003 | Kermit R. Littleton | SSK-6-CIP-CON (SS-00305.2) | 1030 |
| 22827 | 7590 | 01/30/2006 | EXAMINER | |
| DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449 | | | MIGGINS, MICHAEL C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1772 | |
| DATE MAILED: 01/30/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|---|--|
| Office Action Summary | Application No. 10/636,056 | Applicant(s) LITTLETON ET AL. | |
| | Examiner Michael C. Miggins | Art Unit 1772 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REJECTIONS WITHDRAWN

1. All of the rejections set forth in the non-final rejection of 5/11/05, pages 2-4, paragraphs 5-6 have been withdrawn.

REJECTIONS REPEATED

2. There are no rejections repeated.

NEW REJECTIONS

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14, 21-23, 28 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Modak et al. (US 5133090).

Modak discloses an elastomeric glove having a silicone and a didecyl ammonium chloride surfactant dip coated on an inner surface of the glove (column 2, lines 51-63, column 4, lines 14-26), wherein the elastomeric material of the substrate body is selected from a natural rubber latex, wherein the article is dip formed, wherein the article is a glove (column 2, lines 51-63, column 4, lines 14-26) (applies to instant claims 14, 21-23, 28 and 33).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 15 and 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Modak et al. (US 5133090) in view of Modak et al. (US 5965610).

Modak '090 fails to disclose wherein the surfactant layer comprises a behentrimonium quaternary ammonium compound.

Modak '610 discloses a surfactant layer which comprises a behentrimonium quaternary ammonium compound (column 25, lines 25-30) in a glove for the purpose of providing anti-irritant properties (applies to instant claims 15 and 29).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a surfactant layer which comprises a behentrimonium quaternary ammonium compound in Modak '090 in order to provide improved anti-irritant properties.

7. Claims 16 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modak et al. (US 5133090) in view of Bechara et al. (US 5985955).

Modak '090 fails to disclose wherein the silicone is a polydimethyl siloxane emulsion.

Bechara discloses wherein the silicone is a polydimethyl siloxane emulsion (column 9, lines 19-27) in a glove for the purpose of providing improved hydrophilicity (applies to instant claims 16 and 30).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided wherein the silicone is a polydimethyl siloxane emulsion in Modak '090 in order to provide improved hydrophilicity as taught or suggested by Bechara.

8. Claims 17, 19-20 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Modak et al. (US 5133090) in view of Plamthottam et al. (WO 94/20574, cited by applicant).

Modak '090 fails to disclose wherein a donning layer is positioned between the substrate body and surfactant layer, wherein the donning layer comprises a mid block unsaturated block copolymer, wherein the donning layer is chlorinated.

Plamthottam discloses wherein a donning layer is positioned between the substrate body and surfactant layer, wherein the donning layer comprises a mid block unsaturated block copolymer, wherein the donning layer is chlorinated (page 3, lines 9-33, column 4, lines 6-8, column 6, lines 1-20) in a glove for the purpose of providing improved cleanliness as well as ergonomics (applies to instant claims 17, 19-20 and 31-32).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided wherein a donning layer is positioned

Art Unit: 1772

between the substrate body and surfactant layer, wherein the donning layer comprises a mid block unsaturated block copolymer, wherein the donning layer is chlorinated in Modak '090 in order to provide improved cleanliness as well as ergonomics as taught as suggested by Plamthottam.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Modak et al. (US 5133090) in view of Plamthottam et al. (WO 94/20574, cited by applicant), as applied to claims 17, 19-20 and 31-32 above, and further in view of Modha et al. (US 2003/0226191).

Modak '090 fails to disclose wherein the donning layer comprises syndiotactic 1,2 polybutadiene.

Modha discloses a donning layer which comprises syndiotactic 1,2 polybutadiene (page 5, paragraph [0042]) in a glove for the purpose of providing improved donning properties.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a donning layer which comprises syndiotactic 1,2 polybutadiene in Modak '090 in order to provide improved donning properties as taught or suggested by Modha.

10. Claims 24 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Plamthottam et al. (WO 94/20574, cited by applicant) in view of Modak et al. (US 5133090) and Modak et al. (US 5965610).

Art Unit: 1772

Plamthottam discloses a dip-formed elastomeric glove comprising a substrate body including a layer made of an elastomeric material, the substrate body including an inside surface and an outside surface, a donning layer overlying the inside surface of the substrate body and a lubricant layer and wherein the donning layer is chlorinated (page 3, lines 9-33, column 4, lines 6-8, column 6, lines 1-20) (applies to instant claims 24, 26-27).

Plamthottam fails to disclose a surfactant layer, the surfactant layer comprising a behentrimonium quaternary ammonium compound and a silicone.

Modak '090 discloses an elastomeric glove having a silicone and a didecyl ammonium chloride surfactant dip coated on an inner surface of the glove (column 2, lines 51-63, column 4, lines 14-26), wherein the elastomeric material of the substrate body is selected from a natural rubber latex, wherein the article is dip formed, wherein the article is a glove (column 2, lines 51-63, column 4, lines 14-26) for the purpose of providing antiviral and antiinfective properties.

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a quaternary ammonium compound and a silicone in the glove of Plamthottam in order to provide antiviral and antiinfective properties as taught or suggested by Modak '090.

Plamthottam fails to disclose wherein the surfactant layer comprises a behentrimonium quaternary ammonium compound.

Art Unit: 1772

Modak '610 discloses a surfactant layer which comprises a behentrimonium quaternary ammonium compound (column 25, lines 25-30) in a glove for the purpose of providing anti-irritant properties (applies to instant claims 15 and 29).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided a surfactant layer which comprises a behentrimonium quaternary ammonium compound in Plamthottam in order to provide improved anti-irritant properties.

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Plamthottam et al. (WO 94/20574, cited by applicant) in view of Modak et al. (US 5133090) and Modak et al. (US 5965610), as applied to claims 24 and 26-27 above, and further in view of Bechara et al. (US 5985955).

Modak '090 fails to disclose wherein the silicone is a polydimethyl siloxane emulsion.

Bechara discloses wherein the silicone is a polydimethyl siloxane emulsion (column 9, lines 19-27) in a glove for the purpose of providing improved hydrophilicity (applies to instant claims 16 and 30).

Therefore it would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to have provided wherein the silicone is a polydimethyl siloxane emulsion in Plamthottam in order to provide improved hydrophilicity as taught or suggested by Bechara.

Art Unit: 1772

ANSWERS TO APPLICANT'S ARGUMENTS

12. Applicant's arguments filed 10/28/05 have been considered but are moot in view of the new grounds for rejection set forth above.

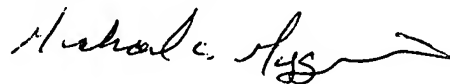
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins
Primary Examiner
Art Unit 1772



MCM
January 9, 2006